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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,484	11/30/2001	David Carroll Challenger	RPS9 2001 0152	6380
47052	7590	08/11/2006	EXAMINER	
SAWYER LAW GROUP LLP			LAFORGIA, CHRISTIAN A	
PO BOX 51418			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
			2131	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,484

Applicant(s)

CHALLENGER ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-45, 47-54, 57-63 and 65-68 is/are rejected.
- 7) ☒ Claim(s) 46, 55 and 64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 May 2006 has been entered.
2. Claims 1-41 have been cancelled as per Applicant's request.
3. Claims 42-68 have been presented for examination.

Response to Arguments

4. Applicant's arguments with respect to claims 42-68 have been considered but are moot in view of the new ground(s) of rejection.
5. See further rejections that follow.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 42-45, 47-54, 56-63, and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,898,577 to Johnson, hereinafter Johnson, in view of U.S. Patent Application Publication No. 2003/0061494 to Girard et al., hereinafter Girard.
8. As per claims 42, 51, and 60, Johnson discloses a method for improving security in a computer network utilizing password-based access, the method comprising:

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signing a phrase using a private key assigned to a remote user (Figure 1A [block S13A], column 6, lines 37-58);

associating the signed phrased with the remote user (Figure 1A [blocks S13A, S14A], column 6, lines 37-58).

9. Johnson does not disclose storing the private key assigned to the remote user in a key chain of a provided security chip, wherein the key chain is formed by wrapping the private key assigned to the remote user using at least one key pair assigned to the computer network and wrapping the at least one key pair assigned to the computer network using an encryption key assigned to the provided security chip

10 Girard discloses wrapping data, such as a key, using a trusted platform module in paragraph 0011.

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the private key assigned to the remote user in a key chain of a provided security chip, wherein the key chain is formed by wrapping the private key assigned to the remote user using at least one key pair assigned to the computer network and wrapping the at least one key pair assigned to the computer network using an encryption key assigned to the provided security chip, since Girard states at paragraph 0011 that such a modification would create a trusted environment because the trusted platform module processes cannot be altered, thereby creating a tamper-proof environment.

12. Regarding claims 43, 52, and 61, Johnson teaches wherein the phrase is a password of the remote user (Figure 1A [block S13A], column 6, lines 37-58).

13. Regarding claims 44, 53, and 62, Johnson and Girard do not teach wherein the phrase is separate from a password of the remote user.

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a phrase other than the user's password since identity based systems are well-known in the art and are used since any identifier which uniquely identifies a user and can be undeniably associated with the user may serve as the identity information.

15. Regarding claims 45, 54, and 63, Johnson discloses using the signed phrase associated with the remote user to determine whether to grant the remote user access to the computer network (Figure 1B [blocks S14B, S15B], column 7, lines 34-35).

16. Regarding claims 47, 56, and 65, Girard discloses the use of TCPA and TPM which has set forth standards, one of which is to maintain a key that is not known or shared so as to allow for trusted processing because the information contained in the TPM cannot be altered locally or via network intrusion and therefore teaches wherein the private key assigned to the remote user, the encryption key assigned to the provided security chip, and the at least one key pair assigned to the computer network are created within the provided security chip.

17. Regarding claims 48, 57, and 66, Girard discloses the use of TCPA and TPM which has set forth standards, one of which is to maintain a key that is not known or shared so as to allow for trusted processing because the information contained in the TPM cannot be altered locally or

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via network intrusion and therefore teaches that both the private key assigned to the remote user and the encryption key assigned to the provided security chip are known only to the provided security chip.

18. Regarding claims 49, 58, and 67, Girard discloses TPM (paragraph 0011).

19. Regarding claims 50, 59, and 68, Johnson discloses storing the signed phrase associated with the remote user (column 7, lines 29-35).

Allowable Subject Matter

20. Claims 46, 55, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

After conducting an updated search, the Examiner was unable to find any prior art related to claims 46, 55, and 64 and has no knowledge of anything similar prior to the Applicant's filing. Any related patents or patent application publications found where after the filing date of the instant application. All non-patent literature found by searching IEEE, ACM and Google discovered articles no earlier than 2002. Therefore, claims 46, 55, and 65 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. The following patents are cited to further show the state of the art with respect to key chaining, such as:

United States Patent No. 6,061,799 to Eldridge et al., which is cited to show a removable media for password based authentication.

United States Patent No. 5,825,300 to Bathrick et al., which is cited to show protected distribution of keying and certificate material.

United States Patent No. 6,704,868 to Challener et al., which is cited to show commonly owned prior art.


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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